

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOV 10 1998

C.R. Sledge, Jr  
C.R. Sledge Co.  
3613 Deerfield Drive  
Suffolk, VA 23435-2214

Dear Mr. Sledge:

This is in response to your September 28, 1998 letter to Susan Hazen of the Environmental Assistance Division. In your letter you listed several questions that you had regarding the Disposal Amendments which were published in the June 29, 1998 Federal Register. These are our responses to each of your questions.

1. *Are the 4 sub paragraphs intended to reflect examples of waste that may be "PCB bulk product waste" or are the 4 sub paragraphs intended to provide descriptions of waste that are "PCB bulk product waste" by definition? The reason for this question is the lead in statement to the 4 sub paragraphs does not contain the words "for example" or the word "may". If the regulation is literally interpreted all paper, regardless of source or age, must be treated as "PCB bulk product waste" unless tested to prove it is not.*

The introductory paragraph to the definition of "PCB Bulk Product Waste" (§761.3) states that a material is a "Bulk Product Waste" only if it has a PCB concentration of  $\geq 50$  ppm at the time of designation for disposal. Therefore, the materials listed in the four (4) categories of "PCB Bulk Product Waste" are wastes only if the material is  $\geq 50$  ppm PCB. If the material is less than 50 ppm PCB, it is not "PCB Bulk Product Waste" and is unregulated.

2. *If the 4 sub paragraphs are intended to be examples of what may constitute a "PCB bulk product waste" is there an obligation on the regulated community to test the waste streams listed in the sub paragraphs to determine if they do contain PCBs at concentrations  $\geq 50$  ppm? If there is an obligation to test, is there a date of manufacture, after which testing is not required?*

There is no obligation to test any materials. There are several disposal options in §761.62 that do not require any testing at all. There are also options in §761.62 for disposal based on generator knowledge. ~~CONCURRENCES~~ If you still feel it is necessary to sample and

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There is no obligation to test any materials. There are several disposal options in §761.62 that do not require any testing at all. There are also options in §761.62 for disposal based on generator knowledge. If you still feel it is necessary to sample and

analyze this material prior to disposal, then you are directed to use the sampling scheme outlined in Subpart R. If this sampling scheme is not applicable to your material or situation, then you may submit a risk-based sampling and analysis plan under §761.62(c). Please bear in mind that the submittal of a risk-based plan may be time consuming and costly.

3. *If testing is required, is there specific testing protocol that must be followed? 40 CFR 761.62 appears to require that subpart R be used to test the waste stream to determine if the material contains PCBs at  $\geq 50$  ppm or will leach PCBs at  $\geq 10$   $\mu\text{g/L}$  of water. This testing protocol appears to work only in the case of waste spills. If I am removing "Galbestos" siding from a large building is there a method that I can use to determine if the waste will be a "PCB bulk product waste" prior to its removal? For example, may I sample one or two of the "Galbestos" sheets and use that testing to determine if the waste will be regulated under 40 CFR 761?*

Under §761.62, "Bulk Product Waste", sampling must be conducted in accordance with Subpart R. If the sampling scheme outlined in Subpart R cannot be applied to your situation or materials, then you may submit a risk-based sampling and analysis plan under §761.62(c). Please bear in mind that the submittal of risk-based plans can be time consuming and costly.

I hope this has cleared up any confusion you may have had concerning the PCB Disposal Amendments. If you have any further questions regarding the questions answered above, please call Laura Casey at (202) 260-1346.

Sincerely,

John W. Melone, Director  
National Program Chemical Division

*C. R. Sledge Co.*

3613 Deerfield Dr.  
Suffolk, Va. 23435-2214  
(757) 484-3652  
Fax (757) 483-3012

September 28, 1998

Susan B. Hazen  
Director  
Environmental Assistance Division (7408)  
Office of Pollution Prevention and Toxics  
Room E-543B  
Environmental Protection Agency  
401 M St., SW  
Washington, DC 20460

RE: 40 CFR 761

Dear Susan B. Hazen:

I am writing concerning the amendment to 40 CFR 761 that was published in the Federal Register on June 29, 1998. I operate a small consulting business that provides guidance to various businesses on safety, health and environmental matters. In reading the amendment there are several areas that are unclear. Today I would like to focus on the new area of "PCB bulk product waste". 40 CFR 761.3 defines "PCB bulk product waste" as waste derived from manufactured products containing PCBs in a non-liquid state, at any concentration where the concentration at the time of designation for disposal was  $\geq 50$  ppm PCBs. After this statement the definition goes on to state that "*PCB bulk product waste includes, but is not limited to:*" After this statement there are 4 sub paragraphs outlining what appear to be different types of "PCB bulk product waste".

My first question is: Are the 4 sub paragraphs intended to reflect examples of waste that may be "PCB bulk product waste" or are the 4 sub paragraphs intended to provide descriptions of waste that are "PCB bulk product waste" by definition? The reason for this question is the lead in statement to the 4 sub paragraphs does not contain the words "for example" or the word "may". If the regulation is literally interpreted all paper, regardless of source or age, must be treated as "PCB bulk product waste" unless tested to prove it is not.

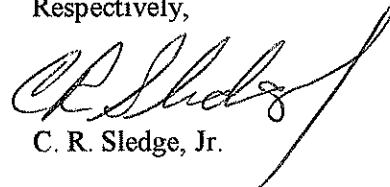
My second question is: If the 4 sub paragraphs are intended to be examples of what may constitute a "PCB bulk product waste" is there an obligation on the regulated community to test the waste streams listed in the sub paragraphs to determine if they do contain PCBs at concentrations  $\geq 50$  ppm? If there is an obligation to test, is there a date of manufacture, after which testing is not required?

My third question is: If testing is required, is there a specific testing protocol that must be followed? 40 CFR 761.62 appears to require that subpart R be used to test the waste stream to determine if the material contains PCBs at  $\geq 50$  ppm or will leach PCBs at  $\geq 10$   $\mu\text{g/L}$  of water. This testing protocol appears to work only in the case of waste piles. If I am removing "Galbestos" siding from a large building is there a

method that I can use to determine if the waste will be a "PCB bulk product waste" prior to it's removal?  
For example may I sample one or two of the "Galbestos" sheets and use that testing to determine if the waste will be regulated under 40 CFR 761?

Thank you for your assistance in this matter and I look forward to your response.

Respectively,



C. R. Sledge, Jr.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

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OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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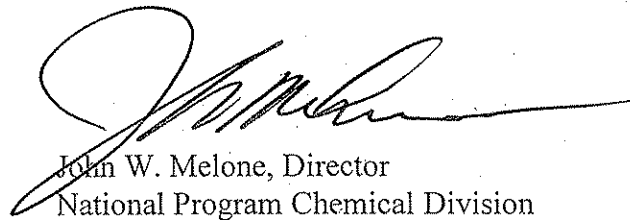
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